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MUNICIPAL ORDINANCES, RULES, AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

ALAMEDA, CAL.

**Buildings—Insanitary to be Declared Nuisances—Abatement. (Ord. 21 N. S.,
Apr. 27, 1914.)**

SECTION 1. All buildings, structures, or parts thereof, which are insanitary are hereby declared to be and are nuisances, and the board of health is hereby authorized and empowered to abate the same in the manner provided in this ordinance.

SEC. 2. Whenever the health officer of this city shall make written complaint to the board of health that any building, structure or part thereof is in an insanitary condition, the board of health shall by formal resolution order a hearing of said complaint and fix the time and place therefor. The complaint shall contain general allegations setting forth the conditions complained of.

SEC. 3. Upon the filing of such complaint the board of health shall cause a copy thereof, together with a notice of the time and place set for the hearing thereof, to be served personally upon the owner of said structure, building, or part thereof, complained of, or his agent, or the lessee or the occupant thereof, and shall cause a copy of said complaint, together with said notice of hearing, to be posted in some conspicuous place on said structure. The time fixed for the hearing of said complaint shall not be less than 48 hours after the service and posting of the copy of said complaint and said notice. Said notice shall require all persons interested to appear at the hearing to show cause, if any they have, why said structure, building, or the part thereof complained of, should not be declared insanitary.

SEC. 4. The board of health, upon conclusion of said hearing, shall decide upon the facts submitted whether or not said alleged condition constitutes a nuisance under the terms of this ordinance, and shall embody said decision in a formal resolution setting forth its findings.

SEC. 5. The board of health, promptly upon its determination and finding that the structure, building, or part thereof complained of, is a nuisance, shall deliver a copy of its said decision, as embodied in said formal resolution hereinbefore provided for, to the council of the city of Alameda, and shall also cause a copy thereof to be served personally upon the owner of said structure, building or part thereof, or his agent, or the lessee, or the occupant thereof, together with a notice that said decision will come before the council for review at its next regular meeting held thereafter, stating the time and place of said meeting, and shall cause a similar copy of said decision and notice to be posted in some conspicuous place on said structure. At the next regular meeting of the council thereafter held, or at any subsequent meeting to which action thereon may be by it postponed, the council shall review said decision of the board of health, and for this purpose may require the attendance of witnesses and the submission to it of testimony upon any issue raised by any interested person, firm, or corporation respecting the sanitary condition of the structure, building, or part thereof by said decision found to be a nuisance; and thereupon the council shall either affirm or reverse said decision, and the determination of the council in this

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regard shall be final. Promptly after such affirmance or reversal by the council, the city clerk shall, in writing, notify the board of health thereof.

SEC. 6. In the event that the said decision of the board of health be by the council reversed, no further action whatever under said decision shall be taken. In the event that said decision of the board of health be by the council affirmed, the board of health shall order the vacation for all purposes of the structure, building, or part thereof, by it declared to be a nuisance, and shall cause a copy of said order to be posted in a conspicuous place on the aforesaid structure, building, or part thereof, and shall serve a copy of said order upon the owner thereof personally, or upon his agent, or upon the lessee, or the occupant thereof. The order shall specify the time within which said structure, building, or part thereof so determined to be a nuisance shall be vacated, which shall not be less than 48 hours after the personal service of the copy of said order as herein provided.

SEC. 7. The health officer shall give written notification of said order of vacation to the chief of police, who shall thereupon, through the officers of the police department, execute and enforce the said order of vacation.

SEC. 8. Any owner, or the agent of such owner, or the lessee, or the occupant of any structure, building, or part thereof ordered vacated hereunder who shall himself or through others forcibly resist or prevent the enforcement of such order shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25, nor more than \$250, or by imprisonment in the city prison of the city of Alameda for a period of not less than 10 days nor more than 3 months, or by both such fine and imprisonment.

SEC. 9. Unless within 48 hours after the service of notice to vacate as above provided, the owner, or his agent, or the lessee, or the occupant of said building, structure, or part thereof shall notify the board of health in writing that he shall make or cause to be made such alterations or repairs as in the judgment of the board of health shall be necessary for the purpose of making said building, structure, or part thereof sanitary, the board of health shall proceed to abate the same. If said notice be given as aforesaid, the board of health shall grant a reasonable time to make said alterations and repairs. If said alterations and repairs are not made and completed within said time allowed by said board, the board of health shall, by formal resolution, order, and in accordance with said order, cause the abatement of said nuisance and the destruction of said building, structure, or part thereof, herein provided, found and determined to be a nuisance.

SEC. 10. The structure, building, or part thereof vacated hereunder shall not be reoccupied without the written permission of the board of health, but such permission must be granted when within the time allowed as hereinbefore specified the alterations and repairs required to be made by the board of health shall have been made.

SEC. 11. Upon the written application therefor of the board of health the council shall allow and order paid out of such fund as the council may lawfully specify any sums the expenditure of which may be necessary for the enforcement of this ordinance, and the auditor shall audit and the treasurer shall pay such sums so allowed and ordered paid, and the amount so expended shall become a lien upon the property upon which said nuisance was abated in accordance with the provisions of this ordinance. And said amount may be recovered by an action against said property or the owner thereof.